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CITY OF HUNTINGTON BEACH, TOM WEIZOERICK  
and KENTON FERRIN

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA

MARIA ISABEL GARCIA,  
individually, and as successor in interest  
to ERICK SAUL CATALAN

Plaintiff,

vs.

CITY OF HUNTINGTON BEACH,  
CITY OF HUNTINGTON BEACH  
POLICE DEPARTMENT, TOM  
WEIZOERICK in his individual and  
official capacity as a Sergeant with the  
CITY OF HUNTINGTON BEACH  
POLICE DEPARTMENT, and his  
respective marital community, if any,  
with Jane Doe 1; KENTON FERRIN in  
his individual and official capacity as a  
law enforcement officer with the CITY  
OF HUNTINGTON BEACH POLICE  
DEPARTMENT, and his respective  
marital community, if any, with Jane  
Doe 2; and DOES 3-12, inclusive,

Defendants.

Case No. SACV12-01779 DOC (JPRx)

~~PROPOSED~~ JUDGMENT AFTER  
TRIAL BY JURY [ 54 ]

1 This action came on for trial on August 1, 2014, in Courtroom 9D of the  
 2 United States District Court for the Central District of California, the Honorable  
 3 David O. Carter, United States District Judge, presiding.

4 Plaintiff Maria Isabel Garcia was represented by Robert English.

5 Defendants, City of Huntington Beach, Kenton Ferrin and Tom Weizoerick  
 6 were represented by Sr. Deputy City Attorney Neal Moore of the City of Huntington  
 7 Beach.

8 A jury of eight persons was regularly empanelled and sworn. Witnesses were  
 9 sworn and testified. After the presentation of the evidence, the instructions of the  
 10 Court, and the arguments of counsel, the case was submitted to the jury. The jury  
 11 deliberated and, on August 7, 2014, returned to Court with its verdict as follows:

- 12 1. On Maria Isabel Garcia's claim under 42 U.S.C. § 1983 for deprivation of  
 13 rights, privileges, or immunities secured by the Fourth Amendment:

14 \_\_\_\_ We find in favor of Maria Isabel Garcia and against both Kenton  
 15 Ferrin and Tom Weizoerick.

16 \_\_\_\_ We find in favor of Maria Isabel Garcia and against Kenton Ferrin  
 17 only.

18 \_\_\_\_ We find in favor of Maria Isabel Garcia and against Tom Weizoerick  
 19 only.

20 X We find in favor of Kenton Ferrin and Tom Weizoerick and against  
 21 Maria Isabel Garcia.

- 22 2. On Maria Isabel Garcia's claim under 42 U.S.C. § 1983 for deprivation of  
 23 rights, privileges, or immunities secured by the Fourteenth Amendment:

24 \_\_\_\_ We find in favor of Maria Isabel Garcia and against both Kenton  
 25 Ferrin and Tom Weizoerick.

26 \_\_\_\_ We find in favor of Maria Isabel Garcia and against Kenton Ferrin  
 27 only.

3        X We find in favor of Kenton Ferrin and Tom Weizoerick and against  
4        Maria Isabel Garcia.

5 || 3. On Maria Isabel Garcia's claim for wrongful death:

6       \_\_\_ We find in favor of Maria Isabel Garcia and against both Kenton  
7       Ferrin and Tom Weizoerick.

8           \_\_\_ We find in favor of Maria Isabel Garcia and against Kenton Ferrin  
9           only.

10           \_\_\_ We find in favor of Maria Isabel Garcia and against Tom Weizoerick  
11           only.

12        X We find in favor of Kenton Ferrin and Tom Weizoerick and against  
13        Maria Isabel Garcia.

14 Pursuant to the jury's verdict finding in favor of Defendants Kenton Ferrin  
15 and Tom Weizoerick,

16 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that  
17 final judgment in this action be entered as follows:

Defendants Kenton Ferrin, Tom Weizoerick, and the City of Huntington Beach shall have judgment entered in their favor on Plaintiff's claims for violations of Plaintiff's Fourth and Fourteenth Amendment rights under 42 U.S.C. §1983, and Plaintiff's state law claim for wrongful death, and Plaintiff shall take nothing; and,

Defendants Kenton, Ferrin, Tom Weizoerick, and the City of Huntington  
Beach shall recover costs of suit as provided by law.

24  
25 **DATED:** August 15, 2014

25 DATED:                     

26 David O. Carter

27 Honorable David O. Carter

28 U.S. District Court Judge